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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,448	07/26/2001	Edward Covannon	82990F-P	7353

7590 08/29/2003
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EXAMINER

HOTALING, JOHN M

ART UNIT PAPER NUMBER

3713

DATE MAILED: 08/29/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

09/915,448

Applicant(s)

COVANNON ET AL.

Examin r

John M Hotaling II

Art Unit

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-- The MAILING DATE of this communication appears n the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,10-20,22-27 and 29-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-8,10-20,22-27 and 29-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The Request for Continued Examination (RCE) filed on 7/16/03 under 37 CFR 1.114 based on parent Application No. 09/915,448 is acceptable and a CPA has been established. An action on the CPA follows.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 20 recites the limitation "it's" in the claims. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

Claims 1 and 20 recites the limitation "said device having information obtaining said device for determining at least one aspect of it's environment" in the claims. The phrase "having information obtaining" what, "said device...." It seems that there should be a means for obtaining the information.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application

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published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1, 3-8, 10-20, 22-27, 29-46 are rejected under 35 U.S.C. 102(e) as being anticipated by Gershman et al US Patent 6,401,085. The previous rejections are maintained and incorporated herein. Gershman is a mobile communication system that facilitates web-based information system with a hand held wireless retrieval and display system (one embodiment is a personal digital assistant (PDA)) with internet capability and a built in or attached bar code reader where each member owns and maintains his or her own profile. See the abstract and columns 3, and 37-39. Columns 4 and 5 disclose that the system may be implemented on different platforms and operating systems. Column 15 discloses that a restriction criterion is settable by a user according to the user's preference. Column 33 discloses that a users request may be returned in the format of a URL. Column 41 along with figure 13 discloses the formation of personal profiles that contain a username, password, a unique identifier, profiles, and profile restrictions. Column 48 discloses maintaining user profiles with a combination of user specified information and system learned and extrapolated data from the user information and activities. Column 48 also discloses that the system can attempt to determine by observation and cues from the environment, where the users are or are likely to be located. Column 60 discloses that the system can incorporate GPS, bio-sensors and environmental sensors into the device for a plurality of additional functions. With respect to the claim limitations that the home computer manages a profile the instant application teaches on pages 8 and 9 interconnectivity between computer

systems is well known and therefore as long as there is a computer that manages and stores the user profiles and is accessible to the users of the system the requirement that it be on a home computer is overcome and the home computer can be considered to be a central server. With respect to claims 16 and 17 the agent or software program of Gershman does indeed control certain aspects of the device such as which information to display to the user based on a user profile or request by the user and the device is more than capable of being used by a parent with a child. With respect to the claim limitations of claims 18 and 19 see figure 1a where the user with the device communicates with a plurality of devices.

Furthermore, a detailed reading of Gershman would result in an understanding of the object oriented programming (OOP) which is a process of developing computer software using objects, including steps of analyzing the problem, designing the system, and constructing the program. From column 6 one can see that with the concepts of composition-relationship, encapsulation, inheritance and polymorphism, an object can represent just about anything in the real world. In fact, our logical perception of the reality is the only limit on determining the kinds of things that can become objects in object-oriented software. Some typical categories are as follows:

Objects can represent physical objects, such as automobiles in a traffic-flow simulation, electrical components in a circuit-design program, countries in an economics model, or aircraft in an air-traffic-control system.

Objects can represent elements of the computer-user environment such as windows, menus or graphics objects.

An object can represent an inventory, such as a personnel file or a table of the latitudes and longitudes of cities.

An object can represent user-defined data types such as time, angles, and complex numbers, or points on the plane.

With this enormous capability of an object to represent just about any logically separable matters, OOP allows the software developer to design and implement a computer program that is a model of some aspects of reality, whether that reality is a physical entity, a process, a system, or a composition of matter. Since the object can represent anything, the software developer can create an object which can be used as a component in a larger software project in the future.

With respect to the amended subject matter in the claims please see above were it is clearly pointed out that the Gershman discloses in column 48 also discloses that the system can attempt to determine by observation and cues from the environment, where the users are or are likely to be located. This is a means for obtaining information related to the environment. Column 60 discloses that the system can incorporate GPS, bio-sensors and environmental sensors into the device for a plurality of additional functions. These are aspects of the devices environment.

Claims 1, 3-8, 10-20, 22-27, 29-46 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Sinclair et al. Please see the claims of Sinclair which disclose operating a mobile station in accordance with a user profile.

Response to Arguments

4. Applicant's arguments filed 4/28/03 have been fully considered but they are not persuasive.

With respect to the arguments relative to the cited columns 4 and 5 that these are just relative to the platforms that can be used the examiner stated that Gershman discloses the claimed subject matter and that any platform may be used.

Gershman is a mobile communication system that facilitates web-based information system with a hand held wireless retrieval and display system. One embodiment is a personal digital assistant (PDA)) with internet capability and a built in or attached bar code reader where each member owns and maintains his or her own profile. See the abstract and columns 3, and 37-39. Columns 4 and 5 disclose that the system may be implemented on different platforms and operating systems. This is clearly communicating between two computers.

Column 15 discloses the downloading of information according to the users preferences. This means that it is settable by a user profile.

With respect to the applicants argument relative to providing a URL the examiner pointed this out because it is a claim limitation that can be provided to the user in response to a profile.

With respect to the applicants arguments relative to column 48 this column clearly states that it is sending a response to the wireless device based on user profiles and a GPS based location. IT was already determined that many different types of

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situational information could be transferred to the user. This section reinforces what has already been disclosed.

With respect to the Object oriented discussion that an object can represent just about anything in the real world.

The examiner agrees with the remarks relative to the Layson patent and has withdrawn the rejection.

Citation of Pertinent Prior Art

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sinclair et al '707 discloses an interactive wireless game system

Awada et al '713 discloses a phone that delivers content based on location

Nykanen '117 discloses a mobile web service

Mansikkaniemi et al '109 discloses a wireless terminal service

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M Hotaling II whose telephone number is 703 305 0780. The examiner can normally be reached on Mon-Thurs 7:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg can be reached on (703) 308-1327.

John M Hotaling II
Primary Examiner
August 25, 2003

